

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD



Original Application No: 1272 of 1988

Ram Das & Ors. Applicant.

Versus

General Manager,
Central Railway, Bombay.... Respondents.

Hon'ble Mr. S.Das Gupta, Member-A

Hon'ble Mr. T.L.Verma, Member-J

(By Hon'ble Mr. T.L.Verma, J.M.)

This application has been filed for a declaration that the applicants are senior to the skilled Artisan who were appointed as Skilled Artisans in 1980 and thereafter a direction to the respondents to treat the applicants to be skilled artisans in the grade of pay of Rs. 260-400/- w.e.f. 30.8.1978.

2. The applicants, 13 in number were appointed as Khalasis in the Loco Shed on different dates. They, thereafter, appeared at the Trade test for the post of Skilled Artisan in the grade Rs. 260-400/-. They claimed to have successfully cleared the afore-said test w.e.f. 30.8.1978. They were, it is stated, employed as Skilled Fitters thereafter. They were, however, not allowed the scale of Skilled Fitter. The applicants, thereafter, filed representations to the appropriate authorities from time to time and when their representations failed yield any result, they filed Civil Suits registered as Original No. 470/1979 and 113/1980 in the Court of Munsif Jhansi. The suits were decreed by the Munsif and the applicants were declared to be entitled to the grade and of

Rs. 260-400/- w.e.f. 30.8.1978 with consequential benefits. The judgement and decree passed by the Munsif were upheld by judgement dated 30.9.1983. Pursuant to the judgement, the applicants were paid salary in the grade of skilled workers up to 30.9.1983. The respondents however, have reverted the applicants to the minimum pay at Rs. 260 per month and fixed their seniority w.e.f. 1.10.1983 as Skilled Artisan. The claim of the applicants is that their seniority and pay in the scale of Rs. 260-400/- should be fixed w.e.f. 30.8.1978.

3. The respondents have contested the claim of the applicants and have averred that the respondents No. 3 to 13 who were appointed directly as Highly Skilled Fitters cannot be declared as junior to the applicants who are promotees only on the basis of their having passed the trade test for highly Skilled Fitter w.e.f. 30.8.1978.

4. We have heard the learned counsel for the parties and perused the record. We find that the facts of this case are in ~~perimeteria~~ ^{peri-meteria} with T.A. 692/1986 arising out of O.S. No. 687/1985 decided on 10th of May, 1990 by this Bench of the Tribunal. It was held that the applicants stood promoted to grade 1 in the scale of Rs. 260-400/- w.e.f. 30.8.1978 and not from 1.10.1983 and that those who have come in that grade subsequent to 30.8.1978 shall be junior to the applicants.

5. It is not in dispute that the applicants were appointed originally as Khalasis in Central Railway Jhansi in the grade of Rs. 196-232/-. Railway Board's letter No. 58/CP/15 dated 26.5.1965 envisages that trade test has to be passed by the basis Tradesman. After passing the examination, they will become eligible for appointment as Skilled Artisan. The applicants have passed the said examination in August, 1978. According to the applicants, after passing the said test, they should have been appointed as Highly Skilled Artisans in grade Rs. 260-400/- against available vacancies. The respondents although employed them as Highly Skilled Artisans, but, did not allow them the scale. They have although been allowed arrears of the scale Rs. 260-400/- from 30.8.1978 but date of their promotion has been fixed at 1.10.1983. By judgement and decree passed by Munsif which has been upheld in appeal the applicants have been declared to be entitled to promotion to the grade w.e.f. 30.9.1978 and the same having become final it was not open to the respondents to have interfered with the date of promotion/appointment of the applicants in the grade Rs. 260-400/-

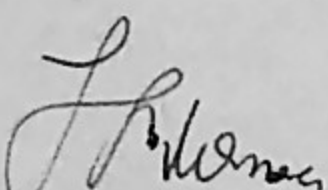
6. In the above view of the matter ^{and following} the decision passed by this Tribunal in Babu Lal and Others Vs. Union of India & Ors. (TA 692/1986) (Supra), we allow this application and declare that the applicants stood promoted to grade 1 in the scale of Rs. 260-400/- w.e.f. 30.8.1978 and not from 1.10.1983 and that

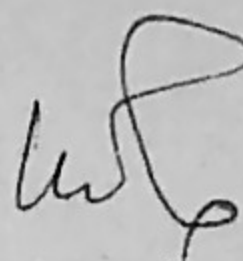
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those who were appointed in that grade subsequent to 30.8.1978 shall be junior to the applicants and that applicants will get all consequential benefits in respect of their pay and promotion as may have become due to them from that date. The respondents shall comply with the direction within a period of 3 months. There will be no order as to costs.


Member-J


Member-A

Allahabad Dated: 27.5.94

/jw/